

**MINUTES**  
**SPECIAL WORKSESSION/ROUNDTABLE**  
CITY COUNCIL OF THE CITY OF YUMA, ARIZONA  
COUNCIL CHAMBERS, YUMA CITY HALL  
ONE CITY PLAZA, YUMA, ARIZONA

**November 3, 2009**

**3:00 p.m.**

**CALL TO ORDER**

Councilmembers Present: Shoop, Mendoza, Beeson, McClendon, Nicholls, Johnson and Mayor Nelson

Councilmembers Absent: none

Staffmembers Present: City Administrator Mark Watson  
Director of Community Development, Laurie Lineberry  
Assistant City Attorney, Richard Files  
Deputy City Clerk, Edna Martin

**I. TEMPORARY SIGNS DURING ROADWAY CONSTRUCTION**

**Lineberry** explained that after the last City Council discussion on this issue, she rethought the entire process in light of the discussion comments and is proposing a different approach. She displayed a form she has developed for businesses to complete when they wish to install a temporary sign during road construction. She detailed the information required by the form, noting that the Declaration and Agreement makes sure the applicant knows these signs are temporary and takes care of the City's need for a Proposition 207 [ARS §12-1134(A), Private Property Rights Protection Act] waiver. The checking of certain boxes would call into play the review of a City Planner and/or the City Engineer for a permit. Printed on the reverse of this draft version of the form is a checklist of items City staff will use to evaluate the application. There would be no charge to complete the form and install the sign; filling out the form would be a simple, over-the-counter transaction.

**Watson** pointed out that form allows the applicant a maximum display area of 100 square feet, made up of any specific dimensions the applicant desires.

**Shoop:** This form should be used by the Arizona Department of Transportation (ADOT) for their projects. Could ADOT use this approach? **Lineberry:** ADOT's legal counsel has advised ADOT otherwise. She pointed out that the form reads "during road construction," which will allow signs to be installed for any project that disturbs the road, not just roadway improvement projects specifically.

**Mayor Nelson:** Has ADOT been apprised of this approach? **Watson:** ADOT has to deal with federal regulations. This approach is an attempt by the City to control what it can – signage and advertising.

**Mayor Nelson:** If local ADOT officials will not take this into consideration, the matter should be taken up the ladder to the highest level. The 16<sup>th</sup> Street project was funded by federal stimulus money and is intended to create jobs; if these restaurants and stores go out of business because of this project, it will cost Yuma jobs. **Watson** agreed to work with ADOT. In the meantime, this form gives the City a method of mitigating impacts in the future.

**Shoop:** How quickly can this approach be implemented? **Lineberry:** The use of this form needs to be provided for by a Sign Code text amendment in the form of an ordinance. **Shoop:** These businesses can't wait 90 days. The winter visitor and holiday season are upon us and these businesses

can't afford to miss out. **McClendon**: Could the emergency clause be included to speed things up; the need is now. **Watson** stated that he could begin the program administratively – knowing there is some risk in doing so – pending formal City Council approval. The upcoming Avenue 3E project will need this approach as well. He would begin contacting businesses and construction managers. **Nicholls** suggested meeting with local managers directly because some of the businesses are owned by corporations and the information may not reach Yuma quickly.

**Watson** noted that the situation has seen some improvement with the paving of a previously unpaved road and signs leading customers to the Chretin's/International House of Pancakes area.

## II. CONDITIONAL USE PERMITS

**Lineberry** displayed an aerial view of the businesses adjacent to 24<sup>th</sup> Street west of Avenue 3E. She drew attention to a situation that has arisen wherein the new occupant to one of the previously vacant buildings would like to begin a day spa. Because the zoning in this location is Heavy Industrial (H-I), the individual will need a Conditional Use Permit (CUP) to run a spa even though this use would be more consistent with the nature of the area now. Going through the CUP process will take two months.

**Watson**: This situation points to the need for the City to be able to react more quickly to businesses' needs. To that end, he would like to discuss with the City Council the possibility of allowing City staff the ability to administratively approve minor, non-controversial CUP's. The change would be done on a trial basis for a limited time.

### Discussion

- Concern was voiced that this change would begin moving City decisions away from public input.
  - Certain Board of Adjustment variance decisions were undertaken administratively and now there is no longer a Board of Adjustment
  - The idea is good, but the City shouldn't overlook controversies; public input in controversial decisions is important and valuable.
- Could a speedier process be wed to continued public input – perhaps by sending out notices and if no one objects, defaulting to an administrative decision
- There is no need to put business owners through two months of no income for a minor change; major changes, however, should not be handled administratively.
  - The concept is good; but the details need to be fleshed out.
- The area along 24<sup>th</sup> Street has changed and is no longer Heavy Industrial in nature.
  - Certain of the lots on the south side of the street were subdivided in 1985 and now the lots are too small for a H-I use.
  - Now that there are retail businesses in the area, traffic to the area has increased.
  - It may be appropriate for City staff to initiate changes to the zoning of this area because of its changed character.
- The variance process continues to be a public process.
  - If the request involves a less than 10% variation from a development standard or dimension requirement of the zoning code, the Zoning Administrator makes the decision.
  - If for a 10-20% variance, the matter is heard by the Minor Variance Committee
  - If for a 20% or greater variance, the matter goes to the Hearing Officer
  - Any 10% or greater variance requires notification of neighbors within 300 feet

**Watson** concluded that staff will continue to work on the issue and bring forward more concrete recommendations.

### III. ESTANCIA GENERAL PLAN AMENDMENT

**Lineberry** displayed map showing the Estancia project in the context of the larger area, including the Barry M. Goldwater Range (BMGR), the Area Service Highway (ASH) with a mile buffer zone skirting the ASH, and the noise contours for Marine Corps Air Station – Yuma (MCAS) and Yuma Auxiliary Airfield II (Aux II). Generally, Estancia lies between the noise contours of the two airfields; those areas of Estancia lying within the noise contours are proposed to be designated Agriculture and Industrial. The issues discussed at the Planning and Zoning Commission's hearing of this case were the distance of the development from the range and the nature of the development adjacent to the range. MCAS Commanding Officer, Col. Mark A. Werth has stated that – because of the specifics in this case, that is, the location of the project, BMGR boundaries, the noise contours, and the ASH – he would consider the one-mile buffer around the range to begin at the ASH at this point on the range. The General Plan requires 2-acre lots within the one mile buffer zone around BMGR; anything outside the buffer zone and the noise contours does not have their respective restrictions.

#### Discussion

- Col. Werth has reiterated his adamant support for this development. Further, he will be in attendance at the meeting on November 18, 2009 when the City Council considers the Estancia General Plan amendment.
- There have been noise studies done subsequent to the City adopting the noise contours as shown in the General Plan; however, the City Council has never adopted any other noise contours based on those studies.
  - Another study will be done in conjunction with the location of the Joint Strike Fighter to Yuma.
  - Changing the noise contours would be problematic in terms of Proposition 207, Private Property Rights Protection Act legislation; staff would not recommend changing the boundaries unless major changes were necessary.
- Future MCAS plans call for the Aux 2 runways and therefore, the noise contours to be moved so they run more parallel with MCAS runways and better fit the range, which would eliminate some of the conflict of the noise contours with this development.
- The power line running south past County 17<sup>th</sup> Street in this vicinity is a Western Area Power Administration line.
  - MCAS is considering land in this area for solar power facilities.
- Would it be wise to ask Col. Werth to memorialize MCAS' position on the buffer zone so that, in the future, it does not appear that Yuma has encroached on the range?
  - Col. Werth has indicated his statements reflect the official position of the base on this development; his comments will be reflected in the minutes when the issue is discussed, which should be sufficient testimony.
  - Previous base commanders have indicated they do not want to compromise the range.
  - The official position of MCAS varies with who the commanding officer is.
- Estancia is a huge development.
- Current plans show 2-acre ranchettes buffered only by a roadway from high density residential; staff will be exploring better ways to buffer the two.
  - The issue will need to be addressed during the rezoning process.

- Roadway reclassifications, traffic impact statement, and the Quechan Cultural Resource Study and Avigation Disclosure Statements will all be addressed during rezoning.
- The proposed amendment would actually correct the zoning of those areas falling within the noise contours from Low Density Residential to Agriculture/Industrial.
  - The map has an apparent discrepancy. The northern boundary of the southern area falling within the 65 db noise contour does not appear to coincide with the 65 db noise contour; however, it should.

**Watson** asked if City Councilmembers needed any other information before making a decision.

**Mayor Nelson:** The ability to hear the Planning and Zoning Commission discussion was very helpful; it was apparent that the absence of an MCAS official was critical to their decision to recommend denial of Estancia's General Plan amendment.

**Watson:** Planning for Estancia began some 18 months ago. The assembly of the land took time, working with numerous landowners. Staff anticipates that this development will be held awaiting the involvement of a major developer. The facilities needed by the development will involve the creation of a Facilities District. Unlike most developments, greater density residential uses are along the outside of the subdivision, with the larger tracts of land located in the center.

**Mayor Nelson:** The amount of privately-owned land available for development in Yuma County is very small. This development will not occur within his lifetime nor be served by current water and sewer plants. The community needs to understand this.

**Lineberry** indicated that the applicant has not contacted anyone in the neighborhood since the Neighborhood Meeting, including the four people who have written letters of opposition. If the applicant is unsuccessful with the requested General Plan amendment, he will not be able to try again for another year; the deadline for applications is June of any given year. In this case, that would be June 2010. A General Plan amendment is a lengthy process and involves notifying some 70 state and local agencies. Notices are sent to adjacent property owners within 660 feet of the development's boundary. The Planning and Zoning Commission must hold two public hearings on the case. The City Council must hold one. Yuma County has declined to jointly hear the case since the developer intends to annex. State law requires the City Council hearing to occur within the calendar year the request was presented. A decision to delay the matter is an option when the City Council considers the amendment for approval. If this amendment is denied, the applicant would need to submit a plan substantially different than this proposal to begin the process again.

#### **IV. B&C COLONIA**

**Watson** stated that there is no need to discuss this item tonight; negotiations are continuing and staff will brief the City Council at a later date.

#### **V. REGULAR CITY COUNCIL MEETING AGENDA OF NOVEMBER 4, 2009**

##### **Infrastructure and Services Reports for Annexation Areas**

**Nicholls:** Would the needed facilities identified in the reports be funded by impact fees? **Watson:** Impact fees would be the primary source of funding for such improvements.

**VI. CITY OF YUMA BOARDS, COMMISSIONS, COMMITTEES, OFFICES**

**Mayor Nelson** noted there would be no appointments made at tomorrow's meeting.

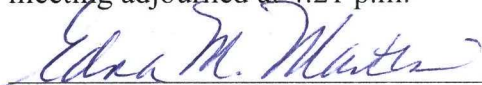
**VII. SUMMARY OF CURRENT EVENTS**

**Watson** informed the City Council as follows:

- Revenues continue to decline. City staff has addressed the City's travel policy, reducing per diems, doubling up on room occupancies, and encouraging the use of grants. City personnel will be avoiding travel to California based liability issues.
- Rumor has it that the City refused a developer's request to build a packing shed, costing the community 200 jobs. A developer who wanted to construct a packing shed did have a predevelopment meeting with City staff and, at that time, it was found that the site the developer wanted to use was located in an airport Accident Potential Zone, which precluded his plan. There were only 14 permanent jobs associated with the operation. Staff is continuing to work with the individual's realtor to find an appropriate site.
- Recently, he (Watson) and Nicholls met with senior staffmembers of Representatives Raul Grijalva and Jon Kyle. They also spoke with Senator John McCain, who will be visiting Yuma next week. They discussed the following issues:
  - Yuma's 19% employment rate
  - Stimulus funding allocated to Yuma
  - The upcoming federal agenda
    - Transportation funding and possible further stimulus funding
    - \$2 million for the Yuma Crossing National Heritage Area
    - Language changes to the federal courthouse legislation
    - Strategies to assist Yuma Proving Ground in its bid to be awarded rail gun testing
- Revised September 16, 2009 Regular City Council Meeting Minutes have been prepared and will be before the City Council for approval tomorrow.

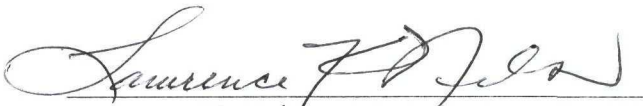
**VIII. ADJOURNMENT**

**Motion** (Beeson/Mendoza): To adjourn to Executive Session. Voice vote: **adopted** 7-0. The meeting adjourned at 4:21 p.m.



Edna M. Martin, Deputy City Clerk

APPROVED:



Lawrence K. Nelson, Mayor

Approved at the City Council Meeting of:

December 2, 2009

City Clerk:

B. King